



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/985,122	12/04/97	ANDERSSON	H ANDERSON-1-1

KENYON & KENYON
1500 K STREET, N.W.
SUITE 700
WASHINGTON DC 20005

LM02/0321

EXAMINER

HOOSAIN, A

ART UNIT	PAPER NUMBER
----------	--------------

2748

10

DATE MAILED: 03/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

08/985,122

Applicant(s)

Andersson et al.

Examiner

Allan Hoosain

Group Art Unit

2748



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Mar 6, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
 - ☐ will not be entered because:
 - ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see Attachment: Advisory

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-17

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

KRISTA ZELE
SUPERVISORY PATENT EXAMINER

GROUP 2700

Art Unit: 2748

Attachment: Advisory

Response to Applicants' Request for Consideration dated 3/6/2000:

(a) Applicants argue that **Pepe** does not teach two stations associated with the same mailbox.

Applicants submit, however, that while a user of the system in **Pepe** may use a wireless phone or a wireline phone, they are not different stations within the meaning of claims 1,7 and 13 because these phones have the same phone number. Thus, **Pepe** does not teach a second station and a first station both associated with the same mailbox.

Examiner respectfully disagrees because Applicants' arguments show Applicants claim limitations do not exclude different stations having the same telephone number. In addition, Applicants' Specification does not support notification messages being sent to different stations having different numbers. Examiner, believes that Applicants' Specification suggests that the different stations all belong to the same subscriber, with the same mailbox, and, therefore, having the same telephone number (Specification, Page 4, line 27 through Page 5, line 2; Page 3, lines 18-20).

(b) Neither **Pepe** nor **Seazholtz** teach transmitting a "message waiting indication" to both stations substantially simultaneously. While **Pepe** teaches cross-media notification of messages, such as the sending of message notification via e-mail to a personal digital assistant, it does not teach sending "message waiting indication" to both the telephone instrument on the wireless network and the telephone instrument on the wired network.

Art Unit: 2748

Examiner respectfully disagrees because **Pepe** teaches that if the personal digital assistant is not turned on, the notification message is routed to alternate wireline or wireless networks (Col. 6, lines 13-16). Examiner also believes that **Pepe's** "e-mail notification messages" are "message waiting indications". Applicants' Specification does not give examples of "message waiting indication" and suggests that "e-mail messages" are "message waiting indications" (Specification, Page 3, lines 28-29; Page 6, lines 1-5; Page 8, lines 2-4 and Page 9, lines 11-24). In addition, Applicants' have not defined "substantially" in their specification which is a vague term and examiner had interpreted "substantially" to be "simultaneously" (see Applicants' Specification, Page 10, lines 8-23). Otherwise, **Pepe** alone would teach Applicants' claims. Furthermore, **Pepe** teaches broadcast of e-mail messages and thereby suggests simultaneous transmission of e-mail notification messages to different subscriber addresses (Col. 23, lines 23-49). **Seazholtz** clearly teaches simultaneous transmission of e-mail messages for locating a subscriber (Col. 2, lines 17-24).

(c) Applicants argue that **Seazholtz** does not teach or suggest "notification of a subscribers message"(as the Examiner stated) or transmitting a "message waiting indication" to both stations substantially simultaneously. The "notification message" disclosed in **Seazholtz** is not a "message waiting indication" within the meaning of Claims 1, 7 and 13 because it does not notify anyone that a message is waiting.

Examiner respectfully disagrees because of the same reasons given in (b) above. Also, as Applicants' have pointed out **Seazholtz** teaches "simultaneous notification of a subscriber's

Art Unit: 2748

message to different parties”. **Seazholtz** also suggests that the e-mail could be to the same person who is not at home but on vacation (Col. 1, lines 60-64).

(d) Applicants argue that there is no actual evidence of a suggestion to combine **Pepe** with **Seazholtz**. The rejection of Applicants’ claims was not proper because the Examiner has not shown “actual evidence” that there would have been a motivation for combining these references. Moreover, **Seazholtz** and **Pepe** do not teach “analogous notification activities”.

Examiner respectfully disagrees because both **Pepe** and **Seazholtz** teach locating a subscriber using e-mail notification messages in much the same way as taught by Applicants. In addition, **Pepe** teaches that in a business context, a mobile subscriber may want to receive notification of messages so that the user can communicate from anywhere to anywhere at anytime (Col. 1, lines 10-20, 36-38, and Col. 3, lines 10-16). Examiner believes that these teachings of **Pepe** provides motivation and suggests the combination of **Pepe** and **Seazholtz** for achieving Applicants’ invention.



KRISTA ZELE
SUPERVISORY PATENT EXAMINER
GROUP 2700